

Judge: Timothy W. Dore
Chapter: 7
Hearing Date: October 4, 2019
Hearing Location:
Judge Dore's Courtroom
700 Stewart Street #8106
Seattle, WA 98101
Time: 9:30 a.m.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

IN RE:

KATHLEEN ANN ESTABROOK,

Debtor.

CHAPTER 7 PROCEEDING
NO. 18-11838

DEBTOR'S RESPONSE TO TRUSTEE'S
MOTION TO DENY DEBTOR EXEMPTION
CLAIM IN PERSONAL INJURY
SETTLEMENT PROCEEDS

Debtor, Kathleen Ann Estabrook, by and through her attorney, Jonathan Smith, hereby replies to the Trustee's Motion to Deny Debtor Exemption Claim in Personal Injury Settlement Proceeds. In support thereof, Debtor states the following:

Under 11 U.S.C. §522(d)(11)(D), the debtor may receive a payment, not to exceed \$23,675.00, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent. The

Debtor's Response to Trustee's Motion to
Deny Debtor Exemption Claim in Personal
Injury Settlement Proceeds - 1

ADVANTAGE LEGAL GROUP
12207 NE 8TH STREET
BELLEVUE, WA 98005
Tel: (425) 452-9797
Fax: (425) 440-7681

debtor sustained a personal injury from a car accident. The car accident caused her to undergo doctor visits and rehabilitation for injuries she personally sustained from the car accident.

The debtor filed amended schedules on July 30, 2019, thirty two days after the meeting of creditors was held on June 28, 2019. June 28, 2018 was a Saturday. The amendment was filed on July 30, 2019, a Monday. In addition, the Trustee filed his Chapter 7 Trustees Initial Report on July 2, 2018, 4 days after the Meeting of Creditors was held and concluded. If the Court used the entry of the Chapter 7 Trustees Initial Report of July 2, 2018, the debtor would have filed her amendment within the 30 day period or at least by August 2, 2018.

. Furthermore, at the time the schedules were disclosed, the actual value of the claim was still “unknown.” Therefore, the debtor could not indicate a true dollar value on her amended schedules.

WHEREFORE, Debtor respectfully requests that the Chapter 7 Trustee's Motion to Deny Debtor Exemption Claim in Personal Injury Settlement Proceeds.

DATED, this 27th day of September, 2019.

/s/ Jonathan Smith
Attorney for Debtor
Jonathan Smith WSBA #27372
Advantage Legal Group
12207 NE 8th Street
Bellevue WA 98005
Tel: (425) 452-9797
Fax: (425) 440-7681
jonathan@advantagelegalgroup.com

Debtor's Response to Trustee's Motion to
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Debtor's Response to Trustee's Motion to
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